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OFFICE OF PETITIONS

In re Application of :
Peter Rudloff :
Application No. 09/403,174 :
Filed: October 18, 1999 :
Attorney Docket No. 016072-000600US :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 5, 2007, to revive the above-identified application.¹

The petition is **GRANTED**.

On September 2, 2004, the Office mailed a Notification of Non-Compliance with 37 CFR 1.192(c), stating that the appeal brief filed on June 18, 2004, was defective for failure to comply with 37 CFR 1.192(c)(5). The Notification indicated that the brief did not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. Furthermore, to avoid dismissal of the appeal, petitioner was required to file a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of three time periods: (1) one month or thirty days from the mailing date of the Notification; (2) two months from the date of the notice of appeal; or (3) within the period for reply to the action from which the appeal was taken. Extensions of these time periods were permitted under 37 CFR 1.136. On September 20, 2005, the Office mailed a Notice of Abandonment. On February 16, 2006, petitioner filed a petition under 37 CFR 1.181 and 1.137(b), which was dismissed by the decision of October 16, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form an appeal brief on December 13, 2006; (2) the petition fee; and (3) a proper statement of unintentional delay.

¹ The decision dismissing the original petition under 37 CFR 1.181 and 1.137(b) set a two-month extendable period from the mailing date of October 16, 2006, to file a request for reconsideration. As the present renewed petition was filed in the extendable period, it is necessary to charge the Deposit Account in the amount of \$1,590.00 for an extension of time for response within the fourth month.

This matter is being forwarded to Technology Center AU 2876.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

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